

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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ELIZABETH ANDRES, et al.

Plaintiffs,

No. 1:17-cv-00377-CCR

-vs-

TOWN OF WHEATFIELD, et al.,

Defendants.

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ALICIA BELLAFAIRE, et al.

Plaintiffs,

No. 1:18-cv-00560-CCR

-vs-

TOWN OF WHEATFIELD, et al.,

Defendants.

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THEODORE WIRTH, III, et al.,

Plaintiffs,

No. 1:18-cv-1486-CCR

-vs-

TOWN OF WHEATFIELD, et al.,

Defendants.

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**STIPULATION AND ORDER REGARDING SUBSTITUTION  
REQUESTED BY PLAINTIFF STEVEN JAMES AT DOC. 486**

This Stipulation applies in Consolidated Case *Bellafaire, et al. v. Town of Wheatfield, et al.*

**WHEREAS**, on December 15, 2023, Plaintiffs filed a motion to substitute Robin D. James, as Executrix of the estate of deceased plaintiff Steven James (“Decedent”), as an estate representative in place of Mr. James (Doc. 486 to 486-4); and

**WHEREAS**, attached to the motion was a “Statement Noting Death of Plaintiff Steven James” (Doc. 486-1).

**WHEREAS**, also attached to the motion was a copy of Letters Testamentary issued by the Niagara County Surrogate’s Court dated November 30, 2023 appointing Robin D. James as Executrix of Decedent’s estate for the “sole purpose of allowing a lawsuit to be prosecuted in which the decedent’s estate is a party.” (Doc. 486-4).

**WHEREAS**, Defendants brought a motion for partial summary judgment against various plaintiffs, including Plaintiff Steven James, on April 13, 2023 (Doc. 404), which motion remains pending at this time.

**WHEREAS**, Defendants do not oppose Plaintiffs’ motion provided that (1) the party substituted shall be designated “Robin D. James, as Executrix of the Estate of Steven James,” and (2) Defendants’ consent to this substitution is without prejudice to Defendants’ pending motion and dismissal, if granted, shall be binding on Decedent’s estate representative.

Accordingly, the parties, through their undersigned counsel, therefore **STIPULATE AND AGREE** as follows:

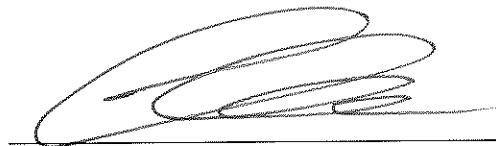
1. Plaintiffs’ motion to substitute pursuant to Rule 25(a) regarding Decedent Steven James (Doc. 486) be granted and the substituted party shall in all future filings, pleadings, etc. be designated as:

“Robin D. James Executrix of the Estate of Steven James.”

2. Defendants' consent to the substitution is without prejudice to Defendants' pending motion for summary judgment dismissing the claims of Decedent and dismissal, if granted, is binding on Decedent's estate representative.

**IT IS SO ORDERED.**

Dated: 2/1/24



United States District Judge Christina Reiss

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